

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment dated 7/11/2008. Claims 1-2 and 4 remain pending and claims 3, 5-17 are cancelled.
2. The oath objection, as set forth in paragraph 1 of the previous action, has been withdrawn in light of the present amendment.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over LESSARD (US 3,508,664) in view of the admitted prior art and in further view of MONFORT (US 3,389,037) optionally taken with SHIH (2004/0079772) for the same reasons as presented in paragraph 8 of the office action dated 4/11/2008.

6. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over LESSARD (US 3,508,664), admitted prior art, and MONFORT (US 3,389,037) and optionally SHIH (2004/0079772) as applied to claim1 above, and further in view of DEWITT (US 2003/0201056) for the same reasons as presented in paragraph 9 of the office action dated 4/11/2008.

Response to Arguments

7. Applicant's arguments filed 7/11/2008 have been fully considered but they are not persuasive.
8. On p. 5-6 and 10 of the remarks, Applicant argues that the present invention is to refixing a clothes hanger hook in a clothes hanger body of a clothes hanger with the capillary flowable adhesive to prevent the rotatability of the hook within the body whereas the method and result is not shown in the cited prior arts.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, LESSARD in view of admitted prior art and in further view of MONFORT teach as claimed:

LESSARD teaches that the base member has a wire hook member secured therein in any known manner for supporting the pant rack on a rod or the like in the known manner.

Note that in the admitted prior art teaches that the movement of a clothes hanger hook often leads to the fixing of the clothes hanger hook in a clothes hanger body coming loose. One of ordinary skill in the art would have appreciated to recognize that the fixing the wire hook member in the base member of a hanger of LESSARD also coming loose when using it over the period of the time.

MONFORT teaches the low viscosity of the adhesive formulation can be used for refastening purposes (column 6, lines 27-29).

Therefore, it would have been obvious at the time of the Applicant's invention to one of ordinary skill in the art to refix a clothes hanger when the fixing of the wire hook member in the base member coming loose over the period of the time as taught by LESSARD in view of the Admitted prior art with a method using low viscosity of the adhesive to flow all around a fastening as taught by MONFORT (column 6, lines 27-32) for refastening purposes.

Also, in response to applicant's argument on p.8-9 of the reply that the present invention claims that the adhesive is applied to the clothes hanger hook stem above the area to be joined, and not directly to the area where the clothes hanger hook and clothes hanger body are to be connected, by a method of MONFORT using a pipette with an elastic free end as taught by DEWITT to refix the hanger of LESSARD in view of Admitted prior art also shows as claimed:

MONFORT teaches the low viscosity of the adhesive formulation can be used for refastening purposes. The penetrating action of the formulation will enable it to flow all around a fastening (column 6, lines 27-32).

Therefore, a method such as using low viscosity of adhesive to flow all around a fastening as taught by MONFORT to refix the hanger of LESSARD in view of Admitted Prior art, adhesive is applied to the area above the gap so that it can flow around the fastening and perform penetrating action of the formulation (MONFORT; column 6, lines 27-30).

Note that adhesive formulation can be used for refastening purposes. The penetrating action of the formulation will enable it to flow all around a fastening (ordinarily metal) and the wood to which is attached. (MONFORT; column 6, lines 27-32).

Further, in response to applicant's argument on p. 11 of the reply that the use of adhesive to glue the hanger together as taught by SHIH has nothing to do with re-fixing a hook within a body to reduce rotatability, the reference SHIH was optionally cited and need not be included in the rejection in order to render the claims obvious. SHIH was only cited to reinforce that one skilled in the art would have provided the hanger with a metal hook and a wooden body into which the hook was secured with adhesive.

Conclusion

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAEYUN LEE whose telephone number is (571)270-5114. The examiner can normally be reached on Monday thru Friday 8am to 5pm est..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeff H. Aftergut/
Primary Examiner, Art Unit 1791

/JL/
10/15/08